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January 6, 2024

Hon. Elizabeth A. Wolford
Chief United States District Judge
Kenneth B. Keating Federal Building
100 State Street
Rochester, New York 14614

Re: United States v. John Thomas Ermin a/k/a Tommy O, 23-MJ-167
United States v. Scott Barnes, 23-MJ-166

Dear Chief Judge Wolford:

I am writing to clarify information from the government's detention proffer related to the sequence of events relevant to defendant John Ermin's ("Ermin") visits to Peter Gerace ("Gerace") at the Niagara County Jail (NCJ). Notably, in the Court's Decision and Order detaining Ermin, the Court noted the following:

After Quinn testified before the grand jury, Gerace was indicted in Case No. 23-cr-37, and the government submits that Gerace knew about Quinn's cooperation based on the government's proffer during his detention hearing on March 24 and March 27, 2023, before Judge Sinatra. Gerace was provided a copy of the criminal complaint against Quinn by an investigator.¹ Shortly after Judge Sinatra detained Gerace—on April 4, 2023—Defendant visited him at the Niagara County Jail. Defendant again visited Gerace on July 6, 2023. Defendant has only visited Gerace on those two occasions. Less than a month after the second visit, Quinn was dead.

¹

[REDACTED]

See ECF No. 10 at 7. In the next paragraph, the Court wrote:

According to the government, Gerace was “furious” about the fact that he had been detained, he complained about Quinn, and he threatened that he had “a long reach and people who could tie up his loose ends.” He made those threats before Defendant’s first jail visit, on April 4, 2023.

Id. The foregoing is accurate except for the last sentence as to the specific timing of the threats.

As to the timing of the threats, since the government’s proffer, I have obtained additional relevant records (on January 2 & 3, 2024), re-reviewed information, docket entries, and a relevant witness was re-interviewed (on January 4, 2024). I have also reviewed the transcript of my proffer to the Court on December 27, 2023. As a result of the foregoing, a more accurate and detailed timeline of events follows:

- **March 24, 2023:** Gerace was arrested, arraigned, the government moved for detention in Case No. 23-CR-37, and proceeded by proffer.
- **March 27, 2023:** Gerace’s detention hearing continued, the government proffered additional information, and District Judge Sinatra ordered defendant Gerace detained.
- **April 4, 2023:** Ermin visited Gerace in-person at the Niagara County Jail.
- **April 6, 2023:** Upon request of the United States, Crystal Quinn’s Criminal Complaint (23-MJ-11) was dismissed, and that dismissal was noted on the public docket for 23-MJ-11.
- **April 28, 2023:** Gerace’s Case Nos. 19-CR-227 and 23-CR-37 were ordered joined for trial.
- **May 10, 2023:** The United States Attorney’s Office filed its witness list, under seal and pursuant to a protective order, in Case Nos. 19-CR-227 and 23-CR-37, listing Crystal Quinn as a government witness for trial.
- **May 24, 2023:** Gerace moved to reopen his detention hearing and for pre-trial release in Case Nos. 19-CR-227 and 23-CR-37.
- **May 31, 2023:** Gerace’s previously filed motion to reopen his detention hearing in Case Nos. 19-CR-227 and 23-CR-37 was denied, and he remained detained pending trial. Gerace was present in Court when his motion to reopen and for release was denied. [REDACTED] Gerace was furious and made

statements, in sum and substance, including that he had a long reach and people who could tie up his “loose ends,” and that “all rats should die.”²

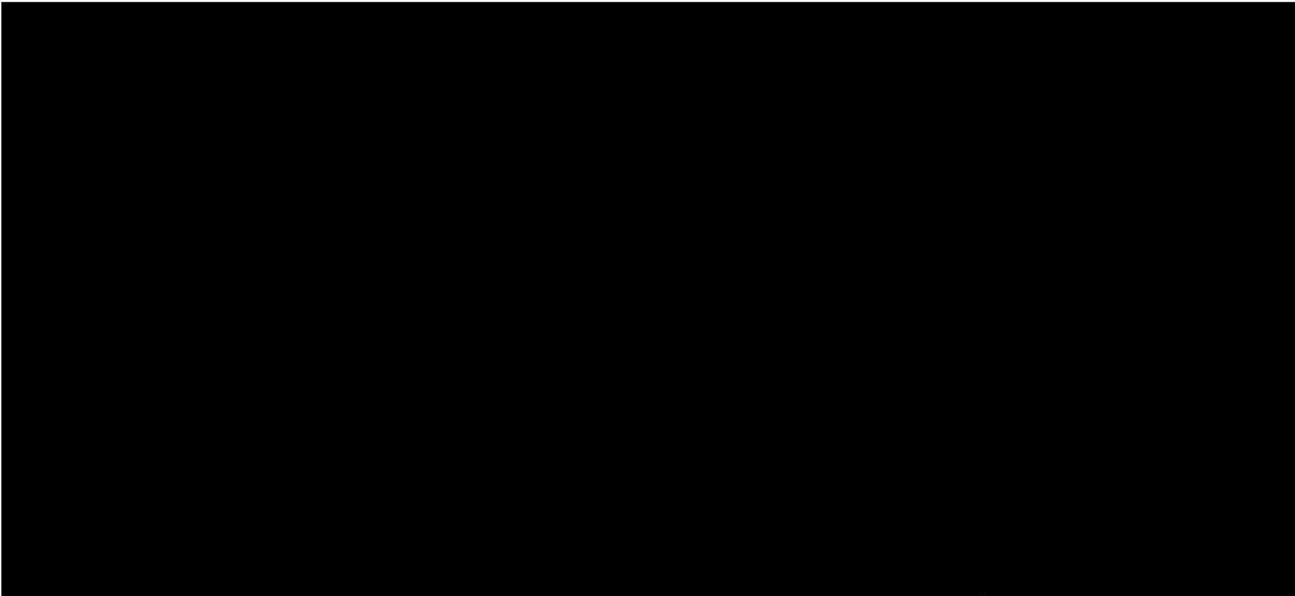
- **June 20, 2023:** Gerace’s counsel filed a witness list (under seal) which listed Crystal Quinn on their witness list. Notably, the Protective Order (*see* Case No. 19-CR-227, ECF No. 347) did not have an express provision prohibiting Gerace from naming government witnesses on his witness list, or from discussing the witnesses named on the defense witness list. Gerace’s counsel filed his witness list after the government filed its May 10, 2023, witness list, which summarized Crystal Quinn’s testimony, and after the government produced 3500 material to counsel for Gerace, which included Crystal Quinn’s interviews with the FBI on 1/23/23, 2/16/23, 2/23/23, 2/27/23, 3/07/23, and her grand jury testimony on 3/09/23. Crystal Quinn’s interviews and grand jury testimony discussed Gerace, Ermin, and members of the Outlaws MC, among other things.
- **June 30, 2023:** Gerace’s case was transferred to a new District Judge and the trial date in Case Nos. 19-CR-227 and 23-CR-37 was rescheduled.
- **July 6, 2023:** Ermin visited Gerace in-person again at the Niagara County Jail, just 6 days after the trial date was adjourned.
- **August 1, 2023:** Crystal Quinn was found dead at Simon Gogolack’s residence in Wellsville, New York.

This extended timeline is the result of ongoing investigation, review of additional materials, review of docket entries, re-examination of information contained in the government’s file, and a re-interview of a government witness. The government submits that this timeline is as, or is even more, compelling than the timeline that it originally proffered because it establishes that: (1) Crystal Quinn was outed as a government witness; (2) Gerace met with Ermin after he was detained and after Crystal Quinn was outed as a government witness; (3) Gerace was upset in jail about the manner in which Crystal Quinn threatened a witness on his behalf (via Facebook), which threats formed the basis of Gerace’s new charges and were the precursor to Gerace’s pre-trial detention; (4) Gerace was furious after his motion

² On an unknown date [REDACTED], in sum and substance, Gerace complained in jail about Crystal Quinn and the manner in which she threatened another woman, who was “ratting” on Gerace. Gerace was mad that a Facebook threat (that Crystal Quinn made), *see* Case No. 23-CR-37, was being tied to him because he preferred the threat to have been done in person instead of on Facebook. [REDACTED]

for release was denied on May 31, 2023, and [REDACTED] thereafter Gerace made statements that rats should die and that he has long reach and people to tie up his loose ends; (5) Gerace named Crystal Quinn on his witness list (under seal) on or about June 20, 2023, and likely discussed her with his counsel (after the government provided 3500 materials to Gerace's attorneys); (6) Ermin visited Gerace again on July 6, 2023, after Gerace obtained a new and delayed trial date; and, (7) Crystal Quinn was killed less than a month after Ermin's face-to-face visit with Gerace.

To the extent the undersigned proffered a less detailed and accurate timeline, this letter is intended to clarify and amend my prior proffer on December 27, 2023. Notably, my proffer on December 27, 2023, was consistent with my misunderstanding, detailed in a prior Court filing on August 11, 2023, in *United States v. Gerace*, 19-CR-227, at ECF No. 605 at 20 (under seal), [REDACTED]:



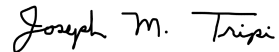
Because this letter contains information that, if publicly disseminated could lead to the identification of a government witness, and because there is information excerpted from a court filing that is sealed, *see* ECF No. 605, it is respectfully requested that this letter be filed under seal. Alternatively, the government requests that it be permitted to propose redactions to this letter prior to any public filing of it. It is further requested that counsel for Messrs. Ermin and Barnes be directed to retain this letter in their files, and that they shall not reproduce it to any third parties or to their clients, unless the Court authorizes a redacted version to be publicly filed. In the event the Court-authorizes a redacted version to be

³ I now understand that Gerace made these comments on [REDACTED], and not March 27, 2023. My prior misunderstanding and subsequent misreporting of the date of the comments was my error, and not an error made by [REDACTED] who reported the information.

publicly filed, the government further requests that disclosure to Messrs. Ermin and Barnes be strictly limited to the publicly filed redacted version of this letter.

Very truly yours,

TRINI E. ROSS
United States Attorney

A handwritten signature in cursive script that reads "Joseph M. Tripi".

BY: JOSEPH M. TRIPI
Assistant United States Attorney

cc:

George V. M. Moscato
Attorney for John Thomas Ermin

David B. Cotter
Attorney for Scott Barnes